

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK ERNEST SPANI and
STANLEY ROY VIRES,

Defendants.

CR 22–24–BU–DLC

ORDER

Before the Court is United States’ Unopposed Motion for Preliminary Order of Forfeiture. (Doc. 131.) Defendants Mark Ernest Spani and Stanley Roy Vires appeared before the Court on March 10, 2023, to determine forfeiture pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and the plea agreements (Docs. 67, 75) which each Defendant has entered into. (*See* Docs. 129, 130.)

Defendant Spani has been adjudged guilty of one count of possession with the intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, one count of prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h), as charged in Counts II, IX, and XI of the Indictment. (Doc. 104.)

Defendant Vires has been adjudged guilty of one count of possession with

the intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, one count of prohibited person in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1), and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h), as charged in Counts II, X, and XI of the Indictment. (Doc. 87.)

The parties have stipulated, admitted, and agreed to forfeiture. (Doc. 126.) The United States has therefore established the requisite nexus between the below listed property and the offense of conviction for Defendants Spani and Vires. The United States satisfied that burden by a preponderance of evidence given the agreement by all parties.

Accordingly, IT IS ORDERED the motion (Doc. 131) is GRANTED.

IT IS FURTHER ORDERED that Defendants' interest in the following property is forfeited to the United States in accordance with 21 U.S.C. §§ 853(a), 853(p), 881(a), 853(n)(1), and 18 U.S.C. § 924(d):

- 101 Josette Avenue, Butte, MT 59701;
- 10.02 acres at S01, T02 N, R09 W, TRACT B OF LOT 5 (E POR) AKA FLEECER VIEW ESTATES;¹
- 1955 Chevrolet 210 Automobile with a listed VIN of B55J100243;
- 2013 Harley Davidson Tri Glide Ultra Classic (FLHCUTG) Motorcycle

¹ The United States originally sought to forfeit 116091 Carriger Lane, Butte, MT 59701, but the structure has since burned on that property. As a result, the parties are substituting the adjacent 10.02 acres.

with a listed VIN of 1HD1MAM1XDB854505;

- 2019 Harley Davidson Tri Glide Ultra Classic (FLHCUTG) Motorcycle with a listed VIN of 1HD1MAF17KB858618;
- 2021 Chevrolet Silverado K1500 Pickup with a listed VIN of 1GCUYDET3MZ352236;
- 2022 Dodge Ram 3500 Big Horn with a listed VIN of 3C63R3HL6NG113688;
- 2011 Montana 5th Wheel with a listed VIN of 4YDF31520B4701776;
- \$3,346.00 in U.S. Currency; and,
- \$30,097.00 in U.S. Currency.

IT IS FURTHER ORDERED that the United States Marshals Service, the Drug Enforcement Administration, or a designated sub-custodian, are directed to seize the property subject to forfeiture and further to make a return as provided by law.

IT IS FURTHER ORDERED that the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General of the United

States may direct, pursuant to 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed.

IT IS FURTHER ORDERED that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

DATED this 14 day of March, 2023.



Dana L. Christensen, District Judge
United States District Court